

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
AT JACKSON

FILED BY 6 D.C.  
05 JUL 20 PM 12:34  
THOMAS M. COULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

TENNESSEE VALLEY AUTHORITY )  
Plaintiff )  
v. )  
MB VALUATION SERVICES, INC. )  
Defendant )  
Civil Action No. 1-05-1063-T

**RULE 16(B) SCHEDULING ORDER**

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1)):**

August 12, 2005.

**JOINING PARTIES:**

for Plaintiff: September 20, 2005  
for Defendant: October 20, 2005

**AMENDING PLEADINGS:**

for Plaintiff: September 20, 2005  
for Defendant: October 20, 2005

**COMPLETING ALL DISCOVERY:** March 5, 2006

- (a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:** March 5, 2006.
- (b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**
  - (i) Plaintiff's Experts: December 20, 2005
  - (ii) Defendant's Experts: January 20, 2006
  - (iii) Supplementation under Rule 26(e): 10 days after Defendant's disclosure. Plaintiff's expert rebuttal, if any, shall be timely issued pursuant to Rule 26(a)(2)(C).

(c) **DEPOSITIONS OF EXPERTS:** March 5, 2006

**FILING DISPOSITIVE MOTIONS:** 3 months before trial

**FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):**

- (a) for Plaintiff: 45 days before trial
- (b) for Defendant: 30 days before trial

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 5-8 days and is tentatively SET for JURY TRIAL on June 5, 2006 at 9:30 A.M. A joint order is due on May 26, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production, and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allows 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and service by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

*The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.*

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

The parties stipulate that since ten affirmative defenses have been raised, additional interrogatories (beyond 25) will be necessary. The parties agree to work together in an attempt to resolve any discovery disputes.

Due to the parties' agreement on the terms of this Scheduling Order, the scheduling conference previously set for July 29, 2005 is hereby canceled.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: July 19, 2005

We hereby approve and consent to the entry of this order:

*Richard E. Riggs signature*  
Richard E. Riggs (BPR No. 9074)  
William T. Terrell (BPR No. 21147)

Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
(865) 632-7032  
(865) 632-6718 (fax)

Atorneys for Plaintiff  
Tennessee Valley Authority

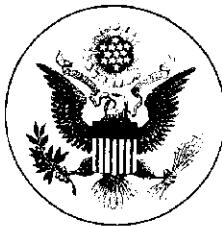
*William T. Terrell signature*  
William T. Terrell

*Lawrence R. Ahern signature*  
Lawrence R. Ahern, III (BPR No. 1677)  
David W. Houston, IV

H. Buckley Cole  
Greenebaum Doll & McDonald PLLC  
700 Two American Center  
3102 West End Avenue  
Nashville, Tennessee 37203  
(615) 760-7112  
(615) 760-7312

Atorneys for Defendant  
MB Valuation Services, Inc.

555851\_1



# Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 1:05-CV-01063 was distributed by fax, mail, or direct printing on July 20, 2005 to the parties listed.

---

Lawrence R. Ahern  
Greenbaum Doll & McDonald  
700 Two American Center  
Nashville, TN 37203

Maureen H. Dunn  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902-140

Richard E. Riggs  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902-140

Harriet A. Cooper  
TENNESSEE VALLEY AUTHORITY  
400 W. Summit Hill Dr.  
Knoxville, TN 37902-140

H. Buckley Cole  
GREENEBAUM, DOLL & MCDONALD, PLLC  
700 Two American Center  
3102 West End Avenue  
Nashville, TN 37203

David W. Houston  
GREENBAUM, DOLL, & MCDONALD, PLLC  
700 Two American Center  
3102 West End Avenue  
Nashville, TN 37203

Honorable James Todd  
US DISTRICT COURT